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EXAMINER

THERIAULT, STEVEN B

ART UNIT	PAPER NUMBER
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2179

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/825,171	Applicant(s) MARTINEAU ET AL.	
	Examiner STEVEN B. THERIAULT	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 9-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to the following communications: Arguments filed 03/17/2010.
2. Claims 1, 4-6, 9-22 are pending in the case.

Response to Arguments

3. Applicant's argument's, see page 9, filed 03/15/2010, with respect to the rejection(s) of claim(s) 1, 4- 6, 9-22 under Dovin in view of Beir in further view of Hoezle have been fully considered and are persuasive. Specifically, applicant argues that Dovin in view of Beir in further view of Hoezle do not teach a number of buttons less than the number of buttons in the hierarchy. However, it is noted that a new examiner has been assigned to the application and a new ground of rejection is presented below based on a new search and consideration of prior art based on claims as of 03/17/2010. Therefore, the previous rejection has been withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 4, 6, 9, 11-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Beaudoin et al. (Hereinafter Beaudoin) U.S. Patent No. 6941359 filed Feb. 14, 2001.**

In regard to **Independent claim 1**, Beaudoin teaches a method of presenting network object hierarchy information in a network management tool, the network management tool for use in managing a communication network having a hierarchy of network objects, the method comprising the steps of:

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- Displaying status information of a displayed network object on a terminal, the displayed network object corresponding to equipment and having at least one higher-level network object within the hierarchy (See Figure 2, 5, 6-9 and 11 and column 6, lines 5-60 and column 7, lines 1-67).

Beaudoin shows a network map with a displayed set of devices shown in a hierarchical manner where the root device is shown connected to the sub-rings where hub device 16 is connects to ring 19 and ring 19 to 21, etc. The status of the device is conveyed to the user by coloring to convey the connection status and the type of device. List 14 contains the descriptions of the devices connected in the display and contains status of the devices.

- Displaying an ordered series of a plurality of buttons on the terminal, each button corresponding to a network object within the hierarchy and being ordered according to a position within the hierarchy of the corresponding network object, the series including at least a displayed network object button corresponding to the displayed network object, the series further including a root button corresponding to a root object of the hierarchy (See bottom of figures 2, 5-9 and 11 and column 8, lines 40-67 and column 9, lines 1-67 and column 10, lines 1-67). Beaudoin shows a set of buttons displayed horizontally where each button corresponds to a network ring. The display indicators or row of buttons directly corresponds to the thumb in the scroll bar and is used to drill down into the layers of rings. Each selection on the bar moves the user through an orderly position on the bar and causes a display of rings further connected to the root object and sub-objects.

- When the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object, inclusive (See Figure 2, 5-9 and column 8, lines 40-67 and column 9, lines 1-67 and column 10, lines 1-67 and column 11, lines 25-45, column 14, lines 35-60). Beaudoin clearly shows a max. number of buttons that can be displayed in the space of the display area. The scroll thumb 46 however directly correlates to a

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display indicator therefore more buttons are clearly off screen and follow the thumb indicator.

Moreover, sub-segments can be controlled via the list selection mechanism (see column 9, top) to show subsets of the rings, which would cause a change in the number of indicators displayed on the bottom of the screen. Further, the user can select the rings in sequence and return to the previously selected ring by moving the cursor over the indicators.

- Displaying on each button at least a portion of a label indicating the corresponding network object (See column 9, lines 10-25).
- Designating a new displayed network object by selecting a network object displayed in the status information or by selecting a button (See Figure 2, 5-9 and column 8, lines 40-67 and column 9, lines 1-67 and column 10, lines 1-67) Beaudoin shows how the interface displays a new object when the user selects another indicator button.

With respect to **dependent claim 4**, Beaudoin teaches the method wherein the buttons are arranged along a horizontal row above the status information, with the root button at the left and the displayed network object button at the right (See Figures 2, 5-9 and 11 and column 8, lines 40-67 and column 9, lines 1-67 and column 10, lines 1-67). Beaudoin clearly shows status information displayed below the display indicators in figure 11.

With respect to **dependent claim 15**, Beaudoin teaches the method wherein the buttons displayed include the root button, the displayed network object button, and buttons corresponding to network objects progressively higher in the hierarchy than the displayed network object (See Figures 2, 5-9 and 11 and column 8, lines 40-67 and column 9, lines 1-67 and column 10, lines 1-67). Beaudoin shows the indicators objects with the hub device 16 displayed along with the lower ring 21 within the indicators progressively shown from left to right.

With respect to **dependent claim 19**, Beaudoin teaches method of claim 1, when a user has previously selected a number of network objects in a visited order and the visited order is not the same as the order

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according to the position within the hierarchy of the corresponding network object, the ordered series of the plurality of buttons is ordered according to the position within the hierarchy of the corresponding network object (See column 7, lines 34-67 and column 8, lines 18-41 and column 14, lines 15-37).

With respect to **claims 6, 9, 16 and 20**, reflect a computer readable medium comprising computer readable instructions for performing the steps of claims 1, 4, 15 and 19, respectively, and in further view of the following are rejected along the same rationale. Beaudoin teaches the computer readable medium (See column 5, lines 10-31 and Figure 1).

With respect to **claims 11, 17 and 21**, claims 1, 17 and 21 reflect substantially similar subject matter as claims 1, 15 and 19, respectively, and in further view of the following are rejected along the same rationale. Claims 1 and 11 differ in the last limitation in "selecting an object in the status section and selecting a button (See Figures 2, 5-9 and 11 and column 8, lines 40-67 and column 9, lines 1-67 and column 10, lines 1-67). Beaudoin allows the user to select an indicator that is colored to convey status and the user can select a list object and then an indicator object to drill to the subset they wish to see.

With respect to **claims 12-14 and 18, 22** claims 12-14, 18 and 22 reflect substantially similar subject matter as claims 1, 15 and 19, respectively, and in further view of the following are rejected along the same rationale. Beaudoin teaches the graphical indicators can be icons, labels, values and lists and can use alternative symbols, which can be arrows and in various layouts comprising a rotated ring(See Figures 2, 5-9 and 11 and column 8, lines 40-67 and column 9, lines 1-67 and column 10, lines 1-67 and column 12, lines 15-67 and column 14, lines 35-57).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

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subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. **Claim 5, 10, are rejected under 35 U.S.C 103(a) as being unpatentable over Beaudoin et al. (Hereinafter Beaudoin) U.S. Patent No. 6941359 filed Feb. 14, 2001, in view of Scaer et al (hereinafter Scaer) U.S. Patent No. 6101498 filed Nov. 1997**

With respect to **dependent claims 5 and 10**, as indicated in the above discussion Beaudoin teaches every element of claim 1 and 6.

Beaudoin teaches monitoring for a position of a cursor on the terminal where the cursor selections of the display indicators or the list elements causes a display of status information and a change in the displayed subsets (See Figures 2, 5-9 and 11 and column 8, lines 40-67 and column 9, lines 1-67 and column 10, lines 1-67

Beaudoin does not expressly cite the method comprising the further steps of:

monitoring for the position of the cursor coinciding with a button for which only a portion of a label is displayed; and while the position of the cursor coincides with a button for which only a portion of a label is displayed, displaying the label in its entirety.

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However, Scaer teaches a network management interface that displays a set of connected objects in a row where the user places a cursor over the object and a label is displayed (See column 2, lines 35-45 and column 5, lines 25-67). Scaer teaches a hovering option where the user places the cursor over the object and the label and additional information can be displayed. Both Scaer and Beaudoin teach network management applications. They both teach displaying connected devices and they both allow the user to select a given graphical object to see more information about the network connected objects.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention having the teachings of Scaer and Beaudoin in front of them to modify the system of Beaudoin to allow the user to hover over an object to see more information about the object. The motivation to combine Scaer with Beaudoin comes from within Scaer to make it easier for the user to interact with cluttered displays of objects via cursor selections (See column 1, lines 35-67 and column 2, lines 15-45).

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). In re: Upsher-Smith Labs. v. Pamlab, LLC, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); In re Fritch, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); Merck & Co. v. Biocraft Labs., Inc., 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); In re Fracalossi, 681 F.2d 792, 794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); In re Lamberti, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); In re Bozek, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN B. THERIAULT whose telephone number is (571)272-5867. The examiner can normally be reached on Mon.-Fri. 10 am - 7 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/
Primary Examiner
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